



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 24, 2005


OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314
US

Dear Sir/Madam,

Your refund request for 10523586,10524833,10524143,10523394,10523393,10524669,10524145 in the amount of \$100.00 has been denied .

The fees for claims were increased 12/04 charges are correct.

Sincerely,


RITA WHITE
PCT - National
703 305-3668

March 16, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE
Box 16
Washington, DC 20231

Attn: Frank Lebron
Refund Department

ATTORNEYS AT LAW
KATHLEEN A. MORSBERGER
CONTROLLER
(703) 412-6494
KMORSBERGER@OBLON.COM

Re: Deposit Account #150030

Dear Mr. Lebron

Enclosed is a copy of a portion of our Deposit Account Statement of February, 2005. Please review the highlighted charge on **Serial Number 10/524,833 in the amount of \$100.00 on fee code #1616.**

Since the multiple dependent claims fee was paid for at the time the application was filed, the charge on our deposit account is most likely for additional monies concerning the search fee which was recently decreased from \$500.00 to \$400.00.

In accordance with the rule change of February 1, 2005, Title 37 CFR Part 1, Section 1.492 (copy attached), **"the search fee for an international application entering the national stage ... is \$400.00 ..."** Therefore the \$400.00 search fee (not the old fee of \$500.00) is correct and a refund should be issued for the extra \$100.00 charged on our deposit account.

Please review this application and kindly refund (\$100.00) to deposit account #150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Debbie Noel at (703) 412-6296. Thank you for your assistance.

Sincerely,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Debra J. Noel
Debra J. Noel

Accounting Department

05/08/2005-----0030022044-----
Credit Card Refund Total: \$100.00

Am Exp.: XXXXXXXXXXXX1007

Enclosures

Adjustment date: 05/19/2005 RWHITE1
02/03/2006 SPINARRO 00000001 10524833
02 FC:1632 -500.00 OP

01 FC:1642

400.00 OP



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Deposit Account Statement

Requested Statement Month: February 2005
 Deposit Account Number: 150030
 Name: NORMAN F. OBLON
 Attention:
 Address: 1940 DUKE STREET
 City: ALEXANDRIA
 State: VA
 Zip: 22314

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	78	10503936	256748US6PCT	1201	\$2,000.00	\$16,574.71
02/01	79	10503936	256748US6PCT	1202	\$350.00	\$16,224.71
02/01	192	10880101	254622WO/TEP/FF	8007	\$20.00	\$16,204.71
02/01	245	60584469	255455US/KQU	8007	\$60.00	\$16,144.71
02/01	342	60538457	248191USUS/KQU	8007	\$20.00	\$16,124.71
02/01	343	60559950	251700US/KQU	8007	\$20.00	\$16,104.71
02/02	5	09889141	211141US2PCT	1806	\$180.00	\$15,924.71
02/02	6	10940012	258658US25CONT	1202	\$200.00	\$15,724.71
02/02	262	60573420	253699US/KQU	8007	\$40.00	\$15,684.71
02/03	85	10760499	247798US2SX CONT	1201	\$200.00	\$15,484.71
02/04	10	09836470	205801USDIV	1202	\$500.00	\$14,984.71
02/04	34	11045337	265332US90	1202	\$1,100.00	\$13,884.71
02/04	82	10498357	254769US6PCT	1617	\$130.00	\$13,754.71
02/04	167	10764467	245417US/KQU	8007	\$20.00	\$13,734.71
02/04	169	10764569	245418US/KQU	8007	\$20.00	\$13,714.71
02/04	174	10780640	249160US/KQU	8007	\$60.00	\$13,654.71
02/04	176	60557687	250390US/KQU	8007	\$20.00	\$13,634.71
02/04	177	10796064	248424US/KQU	8007	\$80.00	\$13,554.71
02/04	275	10764527	245419US/KQU	8007	\$20.00	\$13,534.71
02/07	26	PAYMENT		9203	-\$20,000.00	\$33,534.71
02/07	51	10002434	263467US8	1463	\$70.00	\$33,464.71
02/07	140	10212399	263471US8	1463	\$70.00	\$33,394.71
02/07	185	60566077	252645US/KQU	8007	\$60.00	\$33,334.71
02/07	381	0155740001	254464MX/TEP/FF	8014	\$25.00	\$33,309.71
02/08	4	10488242	249173US2XPCT	1463	\$70.00	\$33,239.71
02/08	136	10408218	236211US30/JEM	1251	\$120.00	\$33,119.71
02/08	173	10523108	262509US2PCT	1633	\$100.00	\$33,019.71
02/09	11	10355304	233504USOSCO	1252	\$450.00	\$32,569.71

02/24 155	10524731	265290US2PCT	2615	\$50.00	\$19,197.71
02/24 275	10524560	265682US2XPCT	1615	\$100.00	\$19,097.71
02/24 294	10524689	265280US0PCT	1617	\$100.00	\$18,997.71
02/24 365	10524790	264847USOX PCT	1633	\$100.00	\$18,897.71
02/24 406	10524785	265913USOPCT	1616	\$100.00	\$18,797.71
02/25 4	10110774	221979US0PCT	1806	\$180.00	\$18,617.71
02/25 5	10502099	256369US2PCT	1615	\$18.00	\$18,599.71
02/25 6	10524833	266364US0PCT	1616	\$100.00	\$18,499.71
02/25 12	10524839	266174US0PCT	1616	\$100.00	\$18,399.71
02/25 59	60547840	246474US/KQU	8007	\$80.00	\$18,319.71
02/25 151	11062787	266609US41	1203	\$360.00	\$17,959.71
02/25 289	10926408	256816US99CONT	1051	\$130.00	\$17,829.71
02/25 327	10524696	265994US2PCT	1633	\$100.00	\$17,729.71
02/25 451	60580372	254606US/KQU	8007	\$20.00	\$17,709.71
02/28 1	09707836	198439US0	1251	\$120.00	\$17,589.71
02/28 3	09956008	213826US2X	1252	\$450.00	\$17,139.71
02/28 67	10674358	242578US0	1252	\$450.00	\$16,689.71
02/28 216	10524842	266178US0PCT	1616	\$100.00	\$16,589.71
02/28 298	10524837	264976US90PCT	1617	\$100.00	\$16,489.71
02/28 303	10524841	266120US0PCT	1616	\$100.00	\$16,389.71
02/28 307	10524838	266173US0PCT	1633	\$100.00	\$16,289.71
02/28 315	10524840	264826US0PCT	1633	\$100.00	\$16,189.71
02/28 324	10524836	265727US0PCT	1633	\$100.00	\$16,089.71

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$18,574.71	\$24,665.00	\$22,180.00	\$16,089.71

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applicability, as defined in PCT Article 33(1) to (4), have been satisfied for all of the claims presented in the application entering the national stage; and (2) the examination fee for an international application entering the national stage under 35 U.S.C. 371 is \$200.00 (\$100.00 for a small entity) in all other situations.

Section 1.496: Section 1.496 is amended to revise its references to § 1.492 to reflect the changes in § 1.492.

Rule Making Considerations

Administrative Procedure Act: Pursuant to its authority under 35 U.S.C. 376(b), the Office has reduced the patent fees set forth in § 1.492 to less than the amount specified in 35 U.S.C. 41. Existing rights and obligations are not otherwise changed. The Office has good cause to implement this fee reduction without prior notice and comment. It is in the public interest to immediately implement the reduced search and examination fees because delay in the adoption of these fee reductions would cause harm to those applicants who currently meet the conditions for entitlement to a fee reduction. Without immediate implementation, applicants who are currently filing search and examination fees in order to avoid abandonment of their applications will be unnecessarily paying higher search and examination fees. The Office believes the public wants these new reduced fees to become effective as soon as possible as the public should benefit from the efficiencies and savings resulting therefrom. In addition, the Office believes that prior notice and comment is unnecessary because it does not expect the public to object to the reduction of search and examination fees. Moreover, the Office does not believe the public needs time to conform its conduct so as to avoid violation of these regulations. In order to give the public the immediate benefit of the Office's decision to reduce specified search and examination fees, the Office finds, pursuant to the authority provided at 5 U.S.C. 553(b)(B), good cause to adopt this change without prior notice and an opportunity for public comment, as such procedures are contrary to the public interest. See *Nat. Customs Brokers & Forwarders Ass'n v. U.S.*, 59 F.3d 1219, 1223–24 (Fed. Cir. 1995).

Nothing in this or any other law requires delayed implementation of the fee reductions. 35 U.S.C. 41(g) provides that: "[n]o fee established by the Director under [35 U.S.C. 41] shall take effect until at least 30 days after notice of the fee has been published in the

Federal Register and in the **Official Gazette of the Patent and Trademark Office.**" Since the reduced search fees and examination fees specified in §§ 1.492(b) and (c) are established by the Office on the basis of the Office's authority under 35 U.S.C. 376(b) (rather than the authority in 35 U.S.C. 41), the thirty-day advance publication requirement of 35 U.S.C. 41(g) does not apply to the reduced search fees and examination fees specified in § 1.492(b) and (c).

Accordingly, the changes in this interim rule may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c), or thirty-day advance publication under 5 U.S.C. 553(d) or 35 U.S.C. 41(g).

Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are required. See 5 U.S.C. 603.

Executive Order 13132: This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Executive Order 12866: This rule making has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Paperwork Reduction Act: This interim rule involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this interim rule has been reviewed and previously approved by OMB under the following control number: 0651–0021. The Office is not resubmitting an information collection package to OMB for its review and approval because the changes in this interim rule do not affect the information collection requirements associated with the information collection under this OMB control number.

Interested persons are requested to send comments regarding this information collection, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450, or to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503,

Attention: Desk Officer for the United States Patent and Trademark Office.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

■ For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

■ 2. Section 1.492 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1.492 National stage fees.

* * * * *

(b) Search fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If the search fee as set forth in §§ 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.27(a))	\$50.00
By other than a small entity	\$100.00

(2) If an international search report on the international application has been prepared and is provided to the Office no later than the time at which the search fee is paid:

By a small entity (§ 1.27(a))	\$200.00
By other than a small entity	\$400.00

(3) In all situations not provided for in paragraphs (b)(1) or (b)(2) of this section:

By a small entity (§ 1.27(a))	\$250.00
By other than a small entity	\$500.00

(c) The examination fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If an international preliminary examination report on the international application prepared by the United States International Preliminary Examining Authority states that the

Due Date February 18,
2005

OSMM&N File No. 266364US0PCT

By NFO/lpp/FF

Serial No. New U.S. PCT Application based on PCT/JP03/10497

In the matter of the Application of Kenzi SUZUKI, et al.

For INORGANIC COMPOUND CONTAINING ACTIVE OXYGEN AND PROCESS
FOR PRODUCING THE SAME

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 52 pgs. Specification 20 Claims (English Translation) pgs. Sequence Listing
- Application Data Sheet
- Notice of Priority
- Dep. Acct. Order Form
- Credit Card Payment Form for \$1,490.00
- Drawings (15 sheets)
- PCT Transmittal Letter
- PCT/IB/304
- Information Disclosure Statement
- Cited References (4)
- International Search Report
- PCT/IB/308
- PTO-1449

SERIAL NO. _____

DATE RECEIVED _____



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Credit Card Payment Form

Credit Card Information	
Credit Card Type: <input checked="" type="checkbox"/> American Express	
Credit Card Account #: 3787-350712-61007	
Credit Card Expiration Date: December 31, 2005	
Name as it Appears on Credit Card: Prue, LaYonda P.	
Payment Amount: \$(US Dollars): 1,490.00	
Signature:	Date: February 18, 2005
Credit Card Billing Address	
Street Address 1: Oblon, Spivak, McClelland, Maier & Neustadt, P.C.	
Street Address 2: 1940 Duke Street	
City: Alexandria	
State: Virginia	Zip/Postal Code: 22314
Country: U.S.A.	
Daytime Phone #: (703) 413-3000 Accounting Dept.	Fax #: (703) 413-2220
Request and Payment Information	
Description of Request and Payment Information: New U.S. PCT Application	
Application No.:	
Patent/Registration No.:	
Docket No.: 266364US	

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Form #: 29904